

# FERGUSON COHEN LLP

*Attorneys at Law*

**25 Field Point Road  
Greenwich, Connecticut 06830  
Telephone: (203) 661-5222  
Facsimile: (203) 661-1197**

[www.fercolaw.com](http://www.fercolaw.com)

*Of Counsel*

Howard G. Seitz<sup>††††</sup>  
Mary Ann Gadziala \*  
John E. Meerbergen\*\*\*  
Jo-Anne Herina Jeffreys<sup>††††</sup>  
Rick M. Capozza<sup>†</sup>  
Bryan J. Farrell\*

John J. Ferguson<sup>†</sup>  
Stuart M. Cohen\*  
Gerard M. Wrynn<sup>†</sup>  
Michael K. Stanton, Jr.<sup>†</sup>  
John Q. Kelly\*  
J. Lincoln Hallowell<sup>†</sup>  
Daniel H. Walsh<sup>†</sup>

*Associates*

Brian P. Shea\*\*\*\*\*

<sup>†</sup> Admitted in CT & NY

\*\* Admitted in NY & NJ

<sup>††††</sup> Admitted in FL, NY, NJ, DC Bars

<sup>†††††</sup> Admitted NY & FL

\* Admitted in NY Only  
<sup>†</sup> <sup>†</sup> Admitted in CT, NY & FL  
\*\*\* Admitted in CT Only  
\*\*\*\*\* Admitted in CT & MA

March 25, 2024

Honorable William H. Alsup  
United States District Judge  
Northern District of California

**Re: Case No. 3:21-CV-9044-WHA  
Trump, et al. v. Meta Platforms, Inc. et al.**

Dear Judge Alsup,

On November 2, 2023, I appeared in your courtroom on behalf of the plaintiffs on the above-captioned matter, and requested that the stay on this litigation that Judge White ordered in August of 2022, pending a decision in the Ninth Court on our Twitter appeal, be lifted so that plaintiffs could file a second amended complaint.

After hearing oral argument, you granted plaintiffs leave to file a motion to amend our complaint, and instructed us to address concerns you expressed during oral argument regarding mootness, Missouri, delay, and class action status – and explain why not simply wait until the Ninth Circuit decision in Twitter to file an amended complaint.

Since November 2, 2023, there have been additional factual disclosures that plaintiffs believe further support their claims, and anticipate a decision in Missouri that will provide guidance to the Ninth Circuit in Twitter, and then to plaintiffs when filing an amended complaint.

For these reasons, plaintiffs believe it is prudent to not file a motion to amend their complaint at this time but, rather abide by Judge White's stay until the Ninth Circuit rules on Twitter.

Thank you for your time, attention, and consideration of this matter.

Very truly yours,

/s/ John Q. Kelly

John Q. Kelly

*1 North Lexington Avenue, Suite 401, White Plains, New York 10601 (914) 397-2400 Facsimile (914) 437-6354  
500 Fifth Avenue, Suite 526, Naples, Florida 34102 (239) 302-2768  
2331 Montauk Highway, Bridgehampton New York 11932*

**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing Letter to the Hon. William H. Alsup. Pursuant to Civil Local Rule 5-1(h), I hereby attest that the other signatories have concurred in this filing.

DATED: March 25, 2024

By: /s/ Andrei D. Popovici